

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	17-cr-64-DWF-KMM
)	
v.)	SUPPLEMENTAL
)	DECLARATION OF
EDWARD S. ADAMS,)	MARK H. LYON
)	
Defendant.)	

Pursuant to 28 U.S.C. § 1746, I, Mark H. Lyon, hereby declare:

1. I am an eDiscovery Consultant and Discovery Attorney Staffing Manager at Williams & Connolly LLP. This Supplemental Declaration supplements my previous declaration in this matter, dated May 31, 2018 (which I refer to here as my “prior declaration”).
2. As explained in my prior declaration, I am both a Relativity Certified Administrator and Certified User, and I have ten years’ experience managing document reviews using Relativity.
3. Relativity includes a time-stamped internal audit system to log user actions called the “History.” Some—but not all—user actions are logged in the History.
4. Relativity displays individual documents using a “Viewer.” This Viewer has multiple modes, including “viewer,” “image,” “extracted text,” and “native.”
5. Most of these Viewer modes display the contents of a document within the main Relativity window on an internet browser. But there are at least two exceptions: First, native mode allows a user to download a document in its native form (e.g., a

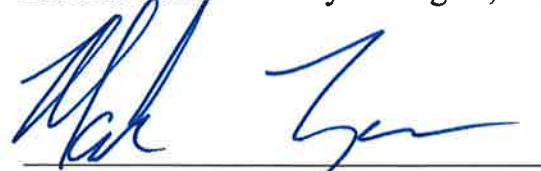
Microsoft Excel spreadsheet or Microsoft PowerPoint presentation). A user who downloads a document in native form can then view that file indefinitely using the document's native application (e.g., Microsoft Excel or Microsoft PowerPoint). Second, Relativity allows documents to be opened in a "standalone" viewer. This viewer places the document in a separate internet browser window that is unaffected by the user's actions in the primary Relativity browser window.

6. Additionally, with any Viewer mode, a user who "right clicks" on a link to a document can open that document in a new "tab" or "window" in their internet browser. The document would remain open in that tab or window until closed.

7. Although the History records and time stamps the action of viewing a document, it does not record which Viewer mode is used or whether a document is opened in a new tab. Thus, a user who uses native mode to download a document for later review will only appear in the History to have viewed it at one specific time. Likewise, a user who views a document in the standalone viewer and then leaves it open will only appear in the History to have viewed it at a specific time. The same goes for a user who leaves a document open in a new tab or window. In each of these cases, trying to calculate the amount of time a user spent viewing the document based on the time between one action and the next in the History would be futile.

I declare under penalty of perjury that the foregoing is true and correct.

Executed this 16th day of August, 2018.



Mark H. Lyon